

REMARKS

Claims 1-37 have been examined, with claims 1-9, 15-19, and 21-23 rejected and claims 10-14, 24, 25, and 27-37 allowed.

Applicant thanks the Examiner for the allowance of claims 10-14, 24, 25, and 27-37. Also, Applicant notes that claim 20 has not been addressed in the Office Action. Since in the previous Office Action claim 20 was indicated as containing allowable subject matter, and in the previous Response Applicant placed claim 20 in independent form, it is assumed that claim 20 is allowable.

Claims 1-4, 6, 8, and 21-23 have been rejected under 35 USC 103(a) as being unpatentable over Ozcelik et al. (US 2002/0037027; hereinafter “Ozcelik) in view of Brown et al. (U.S. Patent No. 6,650,694; hereinafter “Brown”) and Zarubinsky et al. (U.S. Patent No. 5,903,232; hereinafter “Zarubinsky”). Claims 5 and 7 have been rejected under 35 USC 103(a) as being unpatentable over Ozcelik in view of Brown and Zarubinsky as applied to claim 1, and further in view of Lovinggood et al. (U.S. Patent No. 6,697,603; hereinafter “Lovinggood”). Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Ozcelik in view of Brown and Zarubinsky as applied to claim 1, and further in view of Banerjea (U.S. Patent No. 5,719,944). Claim 9 has been rejected under 35 USC 103(a) as being unpatentable over Ozcelik in view of Brown and Zarubinsky as applied to claim 1, and further in view of McDonough (USPN 5,778,024). Claims 15-19 have been rejected under 35 USC 103(a) as being unpatentable over Ozcelik in view of Brown and Zarubinsky as applied to claim 1, and further in view of Levin (USPN 6,639,906).

Claims 1-9, 15-19, and 21-23 are directed to a method and apparatus for processing data in a spread spectrum system. The apparatus has a decimation circuit having an associated decimation factor, a memory coupled to the decimation circuit, and an interpolation circuit coupled to the memory, the interpolation circuit having an associated interpolation factor. The decimation circuit decimates a data rate of received spread spectrum data by the decimation factor to a decimated rate and stores the received data into the memory at the decimated rate. The interpolation circuit interpolates the decimated rate by the interpolation factor to an interpolated rate and retrieves the received data from the memory at the interpolated rate.

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It is the Examiner's position that Ozcelik teaches all of the claimed features, except that the decimator has a decimation factor, rate and the interpolator has an interpolation factor and rate, and decimating spread spectrum data. In an attempt to make up for Ozcelik's deficiencies, the Examiner applies Zarubinsky as teaching the decimator having a decimation factor and rate and the interpolator having an interpolation factor and rate, and applies Brown as teaching decimating spread spectrum data.

There is no suggestion or motivation to modify Ozcelik with Brown. It is well settled that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the reference teachings. Ozcelik is directed to a video decoder for video data, whereas as Brown is directed to a correlator co-processor for CDMA rake receiver operations. There is no suggestion or motivation in Ozcelik and Brown, or in generally available knowledge to replace Ozcelik's video data with Brown's spread spectrum data, which is vastly different from video data. Thus claims 1-9, 15-19, and 21-23 are patentable over the applied references for at least this reason. Reconsideration and withdrawal of the prior art rejections is therefore respectfully requested.

Claims 5, 7, 9, and 15-19 depend on claim 1. The additional references applied against these claims (i.e., Lovinggood, McDonough, and Levin) fail to make up for the deficiencies of Ozcelik because they do not teach spread spectrum data and/or can not be combined with the video decoder of Ozcelik because Ozcelik is directed to a vastly different art. Claims 5, 7, 9, 15-19 are therefore patentable over the applied references for at least this reason.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By Laura C. Brutman
Laura C. Brutman

Registration No.: 38,395
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700

(212) 527-7701 (Fax)
Attorneys/Agents For Applicant